

REMARKS

In response to the final Office Action mailed 21 September 2004, entry of the above amendments and following remarks is requested. Upon entry of this amendment, Applicant believes the application to be in condition for allowance. Claims 1-7 currently stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite with respect to the recitation of “the range” in claim 1, line 3. Per the Examiner’s suggestion, “the range” has been amended to recite “a range,” and thereby identify this term as an initial recitation. With this amendment, it is now believed that the rejection under 35 U.S.C. §112, second paragraph, is no longer proper and it is respectfully requested that it be withdrawn.

Claims 1-5 and 7 currently stand rejected under 35 U.S.C. §102(b) as anticipated by Morita et al. (US 5,116,552). Lastly, claim 6 stands rejected under 35 U.S.C. §103(a) over Morita et al., in view of Druecke et al. (US 6,187,137).

**Remarks Directed to Rejection of Claims 1-5 and 7
Under 35 U.S.C. §102(b) as Anticipated by Morita et al.**

Morita et al. is cited as teaching a tissue dehydration method where dehydration occurs through the use of ethanol and freezing. Specific reference is made to Morita et al., column 2, lines 5-12 and lines 40-69; column 3, lines 1-2 and lines 10-51; and column 4, lines 25-30. (Paper No. 09182004, page 3, second paragraph.) In contrast to the teachings of Morita et al., independent claim 1 recites the limitation of “dehydrating the **tissue to a water content in a range of 10 weight percent to 25 weight percent** by subjecting the tissue to an extraction with organic solvent which can be mixed with water.” (Claim 1, lines 3-5; emphasis added). As anticipation has always been held to require absolute identity between the claimed invention and

the teachings found in a single reference, Applicant submits that Morita et al. fails to anticipate the pending claims.

In contrast to the pending claims, Morita et al. subjects a collagen sponge to impregnation with an aqueous solution of a hydrophilic organic solvent containing 5-50% of the organic solvent. (Column 3, lines 11-22). Applicant submits that it is impossible to obtain the claim 1 recited water content of 10-25% by weight by impregnating a substance; in this case, a cross-linked sponge, with an aqueous solution containing up to 50% by weight of the organic solvent. Even upon assuming that multiple impregnation steps were conducted, the equilibrated water content of the cross-linked sponge can never attain the claimed water content range of 10-25% by weight with an aqueous solution containing up to 50% by weight of the organic solvent. Applicant's position is further supported by Morita et al., indicating that the hydrophilic organic solvent aqueous solution "accounts for at least 90% by volume of the sponge." (Column 3, lines 36-38). With a solution that does not exceed 50% by weight organic solvent and the impregnated sponge is made up of at least 90% by volume of such a solution, Applicant submits that Morita et al. fails to anticipate the organic solvent extraction step of independent claim 1 with respect to the claimed water content of the dehydration step.

In view of the above remarks, it is respectfully requested that the rejection of claims 1-5 and 7, under 35 U.S.C. §102(b), as anticipated by Morita et al., be withdrawn.

**Remarks Directed to Rejection of Claim 6
Under 35 U.S.C. §103(a) Over Morita et al., in view of Druecke et al.**

Morita et al. is cited for teaching all the limitations of base claim 1. Morita et al. differs from claim 6 in failing to disclose the treatment step using the mechanical means of ultrasound, a

vibrator, or a shaker, per claim 6. Druecke et al. is cited to bolster the teaching of Morita et al. with respect to the use of dehydrating through the use of a sonic roller, shaker roller, or vibrator roller. (Column 3, lines 38-51). (Paper No. 09182004, page 3, paragraphs 5-8).

Applicant submits that claim 6, in current form, is allowable on the basis of dependency from claim 1, which is not believed to be in allowable form. Additionally, Applicant submits that the dehydration of a aqueous suspension associated with papermaking fibers is inapplicable to dehydration of biological tissues having intricate passages would most certainly be damaged by integrating the vibration, shaking, or ultrasonic actions taught by Druecke et al., with the procedure of Morita et al.

As a result, Applicant submits that one skilled in the art would lack in motivation upon reading Morita et al. and Druecke et al. to make the proposed combination on the basis that the processes of Druecke et al. would damage the internal biological tissue architecture. Applicant further submits that subjecting a biological tissue prepared according to the claimed invention to the processes of Druecke et al. would fail to yield a comparable material relative to the claimed methodology.

In view of these remarks, it is respectfully requested that the rejection of claim 6 under 35 U.S.C. §103(a) over Morita et al., in view of Druecke et al., be withdrawn.

Summary

Claims 1-7 remain pending in this application. Entry of this amendment is requested in order to place the application in condition for allowance. Reconsideration of the outstanding claim rejections and the passing of this application to issuance are solicited. Should the Examiner, after reconsideration of these rejections, have any question with respect to the allowance of these

Serial No. 10/049,923
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claims, it is respectfully requested that the undersigned attorney in charge of this application be contacted.

Respectfully submitted,

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Dated: December 20, 2004

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DATE OF DEPOSIT December 21, 2004

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